

DUTY OF CARE POLICY

This policy is informed by:

- **CMS Student Welfare Policy 2015 (reviewed 2017)**
- CMS Duty of Care Policy (*issued 2011, reviewed 2013, 2015*)
- CMS Sun Smart Policy (*December 2015*)
- CMS Playground Policy (*April 2016, reviewed 2017*)
- CMS First Aid Policy (*May 2016*)
- CMS Code of Conduct for Visitors and Volunteers Policy (*April 2016*)
- Department of Education

<http://det.wa.edu.au/policies/detcms/policy-planning-and-accountability/policies-framework/policies/duty-of-care-for-students.en?cat-id=3457100>

Statement:

Canberra Montessori School owes a duty to take reasonable care for the safety and welfare of students whilst students are involved in school activities.

Rationale:

As well as the legal obligations, care for the safety and welfare of students at Canberra Montessori School to a large extent drives most school practices, policies and procedures. The policy requires staff or volunteers take necessary and reasonable steps to ensure safety from known and reasonably foreseeable risks of harm or injury.

Definitions:

Duty of Care: A *legal concept* that defines the duty a person has to use reasonable care towards others in order to protect them from known or reasonably foreseeable risk of harm or injury

Reasonable Care: Reasonable care is the concept that forms the basis of the duty of care. What is considered reasonable will depend on the individuals and activities concerned. Staff will need to use a variety of factors when considering the reasonable level of care required.

These factors include: the student's age, experience, and capabilities, any physical/intellectual impairments, medical conditions, behavioural characteristics, nature of the activity and the environment in which the activity is held, school policy and procedures and an assessment of the risk level of the activity.

Non-teaching staff: Those individuals in the employ of the school who do not have direct responsibility over a class for any duration of time.

Volunteers: individuals who undertake work in some capacity at Canberra Montessori School for no fee.

External providers: Any person or organisation engaged by Canberra Montessori School to deliver a service including running or teaching a course to a class(es), that is not an employee of the school.

School grounds: the area determined by the school's governing body to constitute the boundary for school activities.

Extra-curricular: Any course or event that takes place that is outside the normal annual events of the school typically clubs in after school hours.

School hours: school hours for the purpose of this document are the times in which the school accepts duty of care for all students. They are 8:30am to 3:15pm, Monday to Friday during advertised term dates.

Implementation:

Transportation: As a general rule the school has no door to door responsibility for the students. However, if the school is providing transport for students or where the school assumes responsibility in escorting students then a duty of care can be assumed.

Before school hours on school grounds: The school has a duty of care that commences from the arrival of students on school grounds. The accepted arrival time is 8:30am Monday to Friday during school terms. There should be no unattended students on campus before this time.

After school hours on school grounds: The school has a duty of care to ensure the safety of its students until such a time as they are collected by their parents or an adult requested to collect them by their parents, or until their departure on a bus or other arranged transport. If a parent has arrived and collected their child but remains on school grounds, the duty of care has transferred to the parent, unless other arrangements have been made.

After school activities on school grounds: The distinction between authorised and unauthorised activities must be made when considering after school activities. Authorised activities have the approval of the Principal as the management team for the school. Activities sanctioned by the school require the staff members undertaking these activities and the school to provide the same duty of care as during school hours.

Activities taking place off school grounds: In general, the school and its staff have duty of care for all students during off campus activities. The particular extent and nature of this duty is covered in the camps and excursions policy and procedure.

Students leaving during school hours: As a rule, the school does not permit students to leave the school grounds during the school day. Students should be released into the care of their parent and or guardian.

Approved by:	Date:	Next Review Date:
Principal	07/08/2020	07/08/2022